

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001.

Investigation 02-11-040  
(Filed November 21, 2002)

**NOTICE OF AVAILABILITY**

**TO: ALL PARTIES OF RECORD IN THE ABOVE-CAPTION PROCEEDING:**

The draft decision of Commissioner Geoffrey F. Brown has been made available at [http://www.cpuc.ca.gov/PUBLISHED/COMMENT\\_DECISION/45131.htm](http://www.cpuc.ca.gov/PUBLISHED/COMMENT_DECISION/45131.htm) on April 5, 2005. Sempra Energy Trading Corporation (SET) has filed a motion asking the full Commission to reverse the rulings of the Law and Motion Administrative Law Judges requiring SET to provide certain discovery, pursuant to subpoenas duces tecum issued in this investigation, at its own expense. We deny the motion since we generally disfavor interlocutory appeals of discovery issues except upon an extraordinary showing of good cause. We have carefully reviewed SET's claims, but the required showing has not been made.

Any recipient of this Notice of Availability who is not receiving service by electronic mail in this proceeding or who is unable to access the link to the Commission's web site given above may request a paper copy of the draft decision from the Commission's Central Files Office, at (415) 703-2045; fax number (415) 703-2263; e-mail [cen@cpuc.ca.gov](mailto:cen@cpuc.ca.gov).

The draft decision will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure," accessible at [http://www.cpuc.ca.gov/PUBLISHED/RULES\\_PRAC\\_PROC/44887.htm](http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/44887.htm). Pursuant to Rule 77.3 opening comments shall not exceed 15 pages.

Comments must be filed with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 2.3 and 2.3.1. Electronic copies of comments should be sent to ALJ Charlotte TerKeurst at [cft@cpuc.ca.gov](mailto:cft@cpuc.ca.gov) and Belinda Gatti and Peter Hanson (advisors for Commissioner Brown) at [beg@cpuc.ca.gov](mailto:beg@cpuc.ca.gov) and [pgh@cpuc.ca.gov](mailto:pgh@cpuc.ca.gov). All parties must serve hard copies on ALJ TerKeurst, and for that purpose I suggest hand delivery, overnight mail or other expeditious methods of service. The current service list for this proceeding is available on the Commission's web site, [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

Dated April 5, 2005, at San Francisco, California.

/s/ ANGELA K. MINKIN

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Angela K. Minkin, Chief  
Administrative Law Judge